

J. Robert Forshey
State Bar No. 07264200
Laurie Dahl Rea
State Bar No. 00796150
FORSHEY & PROSTOK LLP
777 Main St., Suite 1290
Fort Worth, TX 76102
Telephone: 817-877-8855
Facsimile: 817-877-4151
bforsey@forsheyprostok.com
lrea@forsheyprostok.com

ATTORNEYS FOR TENET
CONCEPTS, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:)	
)	
TENET CONCEPTS, LLC,)	Case No. 18-40270-elm-11
)	
Reorganized Debtor.)	Chapter 11 Case
)	
)	

**MOTION FOR FINAL DECREE PURSUANT TO SECTION 350
OF THE BANKRUPTCY CODE AND RULE 3022 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE
(INCLUDING POST-CONFIRMATION REPORT)**

TO THE HONORABLE EDWARD L. MORRIS, UNITED STATES BANKRUPTCY JUDGE:

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN
RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES
BANKRUPTCY COURT AT 501 W. 10TH STREET, ROOM 147, FORT WORTH,
TEXAS 76102-3643 BEFORE CLOSE OF BUSINESS ON SEPTEMBER 11,
2019, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE
HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK,
AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING
PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A
RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO
THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED,
THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND
THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR
THE NOTICED ACTION MAY BE TAKEN.**

A HEARING ON THIS MATTER HAS BEEN SCHEDULED FOR SEPTEMBER 18, 2019 AT 1:30 P.M., BUT MAY BE REMOVED FROM THE COURT'S DOCKET IF NO TIMELY OBJECTIONS ARE FILED.

Tenet Concepts, LLC, the reorganized debtor (the “Debtor” or “Tenet”), files this motion (the “Motion”) pursuant to section 350 of the Bankruptcy Code and Bankruptcy Rule 3022 to request that this case be closed pursuant to the Final Decree substantially in the form attached hereto as Exhibit A (the “Final Decree”). The Motion includes the post-confirmation report required by Local Bankruptcy Rule 3022-1. In support thereof, the Debtor respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

PROCEDURAL BACKGROUND

2. On January 25, 2019, the Debtor filed a voluntary petition in this Court for relief under chapter 11 of the Bankruptcy Code.

3. The *Amended Plan of Reorganization for Tenet Concepts, LLC* [Docket No. 272] (the “Plan”) was confirmed pursuant to an Order entered May 31, 2019 (the “Confirmation Order”). The Plan became effective June 17, 2019 (the “Effective Date”). See, Docket No. 288.

4. The Plan has been substantially consummated. The Debtor anticipates that all pending matters will be resolved prior to entry of the Final Decree.

5. The Debtor has filed all required operating reports and is current on fees (“Trustee Fees”) payable to the Office of the United States Trustee (“UST”) in accordance with 28 U.S.C. § 1930. The Debtor will continue to work with the UST to ensure that all remaining Trustee Fees are paid in a timely manner.

RELIEF REQUESTED

6. By this Motion, the Debtor seeks entry of the Final Decree substantially in the form attached hereto as **Exhibit A** to close this chapter 11 case, effective as of the date of entry.

BASIS FOR RELIEF

7. Section 350(a) of the Bankruptcy Code provides, "After an estate is fully administered and the court has discharged the trustee, the court shall close the case." 11 U.S.C. § 350(a). Bankruptcy Rule 3022 implements section 350(a) of the Bankruptcy Code and provides, "After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case." FED. R. BANKR. P. 3022.

8. The Bankruptcy Code does not specify when an estate should be considered "fully administered." In making this determination, courts have looked to the Advisory Committee Note to Bankruptcy Rule 3022 (the "Advisory Note") for guidance. *In re Union Home and Indus., Inc.*, 375 B.R. 912, 916 (B.A.P. 10th Cir. 2007). The Advisory Note instructs courts to consider these factors in determining whether a case is fully administered:

- (a) Whether the order confirming the plan has become final;
- (b) Whether deposits required by the plan have been distributed;
- (c) Whether the property proposed by the plan to be transferred has been transferred;
- (d) Whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (e) Whether payments under the plan have been commenced; and
- (f) Whether all motions, contested matters, and adversary proceedings have been finally resolved.

FED. R. BANKR. P. 3022 advisory committee's note.

9. Although courts should apply and weigh the factors set forth by the Advisory Note, the listed factors are not meant to be exclusive, nor are all factors mandatory. *In re Union Home Indus.*, 375 B.R. at 917 (“The factors listed in the Advisory Note are not considered exhaustive, nor must a party demonstrate all of the factors, before the court may find a case to be fully administered.”); *Nat'l Union Fire Ins. Co. v. Eubanks*, No. 94-2757 Sec. “R”, 1995 U.S. Dist. LEXIS 243, at *5 (E.D. La. Jan. 9, 1995). Rather, the six factors “merely serve as a guide in assisting the Court in its decision to close a case.” *In re Mold Makers, Inc.*, 124 B.R. 766, 768 (Bankr. N.D. Ill. 1990). Courts are encouraged to consider the Advisory Note factors “to insure that there is no unfinished business before the Court or in the case.” *In re Kliegl Bros. Universal Elec. Stage Lighting Co., Inc.*, 238 B.R. 531, 542 (Bankr. E.D.N.Y. 1999).

10. In this case, entry of the Final Decree is warranted at this time. The Confirmation Order is final and non-appealable. The Plan has been substantially consummated. All assets of the Debtor’s estate have been vested in the reorganized Debtor. The reorganized Debtor is operating the Debtor’s business. The reorganized Debtor has commenced making payments under the Plan. Further, all motions, claim objections, fee applications, other contested matters, and adversary proceedings either have been or are expected to be resolved prior to entry of the Final Decree.

11. Total compensation for the Debtor’s professionals between the Petition Date and the Effective Date case has been or may be awarded in the following amounts: (a) Forshey & Prostok, LLP, counsel for the Debtor, \$373,216.73; and (b) McDonald Sanders, P.C., special counsel for the Debtor, \$134,091.60.

12. Accordingly, entry of the Final Decree is appropriate.

CONCLUSION

WHEREFORE, based upon the foregoing, the Debtor respectfully requests that the Court grant the Motion, enter a Final Decree substantially in the form attached hereto as

Exhibit A, and grant such other and further relief as is just and proper.

Dated: August 21, 2019.

Respectfully submitted,

/s/ Laurie Dahl Rea
J. Robert Forshey
State Bar No. 07264200
Laurie Dahl Rea
State Bar No. 00796150
FORSHEY & PROSTOK LLP
777 Main St., Suite 1290
Fort Worth, TX 76102
Telephone: (817) 877-8855
Facsimile: (817) 877-4151
bforshey@forsheyprostok.com
lrea@forsheyprostok.com

ATTORNEYS FOR TENET CONCEPTS, LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on August 20, 2019, I contacted Erin Schmidt, attorney for the U.S. Trustee, regarding this Motion. Ms. Schmidt has indicated that the U.S. Trustee does not have a position of the entry of the Final Decree at this time.

/s/ Laurie Dahl Rea
Laurie Dahl Rea

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served via ECF Electronic Notice, where available, and via first class mail on the parties listed on the attached service list on this 21st day of August, 2019.

/s/ Laurie Dahl Rea
Laurie Dahl Rea

Exhibit A

Proposed Final Decree

In re:)	
)	
TENET CONCEPTS, LLC,)	Case No. 18-40270-elm-11
)	
Reorganized Debtor.)	Chapter 11 Case
)	
)	

**FINAL DECREE CLOSING CHAPTER 11 CASE PURSUANT
TO SECTION 350 OF THE BANKRUPTCY CODE AND RULE 3022
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Upon the Motion (the “Motion”)¹ dated August 21, 2019, filed by Tenet Concepts, LLC (the “Debtor”) for entry of a Final Decree closing this chapter 11 case [Docket No. ____]; and it appearing that this Court has jurisdiction to consider the motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and the Motion is proper in this district in accordance with 28 U.S.C. §§ 1408 and 1409; and it appearing that the Debtor’s estate is fully administered as contemplated by section

¹ Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Motion.

350(a) of the Bankruptcy Code and by Bankruptcy Rule 3022; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the Debtor's bankruptcy case is hereby closed; and it further

ORDERED that the Debtor shall pay all outstanding fees to the United States Trustee, if any, on or before their regular due date as established by the United States Trustee's procedures; and it is further

ORDERED that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

End of Order

L:\BFORSHEY\Tenet Concepts, LLC (C11) #5927\Pleadings 18-40270-elm11\Final Decree.docx

Service List

Service List-Plan Solicitation
Tenet Concepts, LLC
#5927

Tenet Concepts, LLC
8200 Cameron Rd., Suite A198
Austin, TX 78754

United States Trustee
Erin Schmidt, Trial Attorney
1100 Commerce St., Room 976
Dallas, TX 75242

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Thomas C. Mauriello
1328 Calla Lily Blvd.
Leander, TX 78641

Brent E. Harris
PO Box 157
Goodrich, TX 77335-0157

Lloyd P. Jones, III
916 Cavalry Ride Trail
Austin, TX 78732

David Scott Cass
6041 Country South Lane
Midlothian, TX 76065

BSX Insurance
Cole Walters
3355 W. Alabama
Houston, TX 77098

Protective Insurance Company
Attn: Jeffrey A. Hunt, VP-Programs
111 Congressional Blvd., Suite 500
Carmel, IN 46032

IPFS Corporation
Attn: Rebecca Berlanga
PO Box 730223
Dallas, TX 75373-0223

IPFS Corporation
Attn: Robyn Provost
24722 Network Place
Chicago, IL 60673-1247

Littler Mendelson P.C.
PO Box 45547
San Francisco, CA 94145

McDonald Sanders, LLC
Attn: Russell Davenport
777 Main St., Suite 1300
Fort Worth, TX 76102

Vanbridge LLC
Attn: Mike Fitzsimmons
PO Box 416103
Boston, MA 02241-6103

The Hartford
Attn: Norma Richards
PO Box 660916
Dallas, TX 75266-0916

Advance business Capital, LLC
dba Triumph Business Capital
c/o Jared A. Ullman
Ullman & Ullman, P.A.
7700 West Camino Real, Suite 401
Boca Raton, FL 33433

Triumph Business Capital
c/o Dennis Olson
Olson Nicoud & Gueck, LLP
10440 N. Central Expwy., Suite 1100
Dallas, TX 75231

Accurate Background
7515 Irvine Center Drive
Irvine, CA 92619

ADP, LLC
400 W Covina Blvd.
San Dimas, CA 91773

AT&T Mobility
PO Box 6463
Carol Stream, IL 60197-6463

Austin Printer Repair
1019 W Rundberg Lane, Apt. A
Austin, TX 78758

Before and After Paint Inc.
13626 Ann Louise
Houston, TX 77086

Blue Cross Blue Shield of Texas
PO Box 731428
Dallas, TX 75373-1428

C-Net Technologies
3513 SW H.K. Dodgen Loop, Suite 204
Temple, TX 76502

California Secretary of State
PO Box 944228
Sacramento, CA 94244-2280

California Secretary of State
Franchise Tax Board
PO Box 942857
Sacramento, CA 94257-0511

Capital One
PO Box 71083
Charlotte, NC 28272-1083

Chase Bank
PO Box 15123
Wilmington, DE 19850-5123

Clear Company HRM
PO Box 419189
Boston, MA 02241-9189

Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774-0100

Concentra Occupational Health Center
PO Box 488
Lombard, IL 60148-0488

Concentra Occupational Health Center
PO Box 9005
Addison, TX 75001-9005

Contigo Technology LLC
8127 Mesa Dr., Suite B206-122
Austin, TX 78759

Cooper CPA Group, PC
15050 Fairfield Village Dr., Suite 130
Cypress, TX 77433

Dental Select
PO Box 301680
Dallas, TX 75303-1680

Enterprise Fleet Management
PO Box 80089
Kansas City, MO 64180-0089

Enterprise Rent-A-Car/Enterprise Holdings
Damage Recovery Unit
PO Box 843369
Kansas City, MO 64184-3369

FedEx
PO Box 660481
Dallas, TX 75266-0481

First Insurance of CA Funding
450 Skokie Blvd., Suite 1000
Northbrook, IL 60062-7917

Franchise Tax Board
PO Box 942857
Sacramento, CA 94257-0531

Illinois Dept. of Revenue
PO Box 19006
Chicago, IL 62794-9006

Infinisource, Inc.
Attn: Finance Dept.
PO Box 889
Coldwater, MI 49036

Made Affordable Pressure Washing
Attn: Terrence Dillard
16114 Bowridge Lane
Houston, TX 77053

Metropolitan Property & Casualty
PO Box 783861
Philadelphia, PA 19178-3861

Molano's Hand Wash
11019 Shadowfield
Houston, TX 77064

Picone & Associates Inc.
439 Main St., #5
Islip, NY 11751

Poster Compliance Center
3687 Mt. Diablo Blvd., Suite 100a
Lafayette, CA 94549

Principle Distribution, LLC
8200 Cameron Rd., Suite A198
Austin, TX 78754

Regions Bank
3017 W. 7th St., Suite 410
Fort Worth, TX 76107

Regus - Newark
39899 Balentine Dr., Suite 200
Newark, CA 94560

Regus - Chicago
350 Northwest Hwy., Suite 300
Park Ridge, IL 60068

Regus - Houston
13201 NW Frwy., Suite 800
Houston, TX 77040

Regus - San Antonio
1100 NW Loop 410, Suite 700
San Antonio TX 78213

Scopelitis
Garvin Light Hanson & Feary
10 West Market St., Suite 1500
Indianapolis, IN 46204

Stueo Pros LLC
4544 Prospect Dr.
House Springs, MO 63051

Sunrise Identity
28250 Network Place
Chicago, IL 60673-1283

Texas Mutual Insurance Company
PO Box 841843
Dallas, TX 75284-1843

Travelers CL Remittance Center
PO Box 660317
Dallas, TX 75266-0317

United Fire Group
PO Box 3244
Cedar Rapids, IA 52406-3244

Wageworks Inc.
f/k/a Conexis
PO Box 8363
Pasadena, CA 91109-8363

Chen Xu
c/o William David Turley
The Turley Law Firm, APLC
7428 Trade St.
San Diego, CA 92121

Enterprise Holdings
600 Corporate Park Dr.
St. Louis, MO 63105

Illinois Dept. of Revenue
PO Box 19006
Chicago, IL 62794-9006

Jeffrey Lines
c/o Robert Valli, Jr./S. Kane/James Vagnini
Valli Kane & Vagnini, LLP
600 Old Country Rd., Suite 519
Garden City, NY 11530

Triumph Business Capital
701 Canton Dr., Suite 100
Coppell, TX 75019

WEX Bank
fka Wright Express Fin. Svs. Corp.
PO Box 6293
Carol Stream, IL 60197-6293

Willie J. Mukes
c/o Joe Micah Williams
The Law Offices of Joe M. Williams
8866 Gulf Freeway, Suite 384
Houston, TX 77019

Commerce Bank
PO Box 414084
Kansas City, MO 64141-4084

Jeffrey Lines
c/o Jay D. Ellwanger/Holt Major Lackey
Ellwanger Law LLLP
8310-1 N. Capital of Texas Hwy., Suite 190
Austin, TX 78731

Willie J. Mukes
c/o John Bruster Loyd
Law Office of Jones, Gillaspia & Loyd LLP
4400 Post Oak Parkway, Suite 2360
Houston, TX 77027

Texas Comptroller of Public Accounts
c/o Courtney Hull/Sherri Simpson
Attorney General's Office
Bankruptcy & Collections Div.
PO Box 12548
Austin, TX 78711-2548

IPFS Corporation
Attn: Lisa Chandler
30 Montgomery St., Suite 1000
Jersey City, NJ 07302

Texas Mutual Insurance Co.
6210 E. Highway 290
Austin, TX 78723

Franchise Tax Board
PO Box 2952
Sacramento, CA 95812-2952

EAN Services, LLC
dba Enterprise Rent A Car & National Car
14002 E. 21st St., Suite 1500
Tulsa, OK 74134

Travis Hawks
c/o Keating Law offices, PC
111 West Washington St., Suite 1631
Chicago, IL 60602

Amazon Logistics, Inc.
Attn: General Counsel
410 Terry Avenue North
Seattle, WA 98109-5210

Amazon Prime Now Delivery Drivers
8310-1 N. Capital of Texas Highway
Suite 190
Austin, TX 78731

EAN Services, LLC
c/o Scott R. Larson
Bell Nunnally
3232 McKinney Ave., Suite 1400
Dallas, TX 75204

C.M., a minor child
c/o Paul Wolf
Mitchell Hoffman & Wolf
221 North LaSalle St.
Chicago, IL 60601

Amazon Logistics, Inc.
c/o Darren G. Gibson/Salvador Davila
Littler Mendelson, PC
100 Congress Avenue, Suite 1400
Austin, TX 78701

Jeffrey Lines
c/o David W. Henderson
Ellwanger Law LLLP
8310-1 N. Capital of Texas Hwy, Suite 190
Austin, TX 78731

Aon Affinity Insurance Services, Inc.
Attn: Dolores McGinty
1100 Virginia Dr., Suite 250
Fort Washington, PA 19034

Stephanie Easter
c/o Sarah R. Schalman-Bergen
Berger Montague
1818 Market St., Suite 3600
Philadelphia, PA 19103

IPFS Corporation
c/o Stephanie Tolson
McGlinchey Stafford, PLLC
1001 McKinney St. #1500
Houston, TX 77002